



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

June 12, 1991

Mr. Brad Neighbor
First Assistant City Attorney
City of Garland
P.O. Box 469002
Garland, Texas 75045-9002

OR91-272

Dear Mr. Neighbor:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 12396.

We have considered the exception you claimed, specifically section 3(a)(1), and have reviewed the documents at issue. Those documents consist of complaints of possible violations of the law, including provisions of the Penal Code and Health & Safety Code, by a local animal shelter and its former director. You assert that the identity of the complainants as well as the contents of their complaints are excepted from disclosure by the informer's privilege.

This office has previously held that section 3(a)(1) incorporates the informer's privilege and that the privilege extends to the informer's identity as well as to the contents of the informer's statement or complaint to the extent necessary to protect the informer's identity. See Open Records Decision Nos. 549 (1990), 515 (1988). In Open Records Decision No. 156 (1977), this office applied the informer's privilege to protect the identity of a complainant who reported a potential violation of the Penal Code provision making it an offense for a person to abandon an animal in his custody or to fail to provide necessary care for such an animal. These prior decisions authorize you to withhold the names and addresses of the complainants as well as the contents of the complaints to the extent necessary to protect their identities.

We are advised that the city has received between 50 and 75 complaints. We have reviewed the copies of the complaints that you have forwarded to us, and you

may withhold from disclosure all of those complaints since they contain factual narrations that could reasonably lead to the identification of the complainants. We express no opinion, however, with regard to complaints that have not been forwarded to us for our review. You may, however, rely on the decisions cited above in making a determination with regard to the contents of such complaints.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-272.

Yours very truly,



Celeste A. Baker
Assistant Attorney General
Opinion Committee

CAB/lb

Ref.: ID# 12396, 12497, 12430

Enclosure: documents, Open Records Decision No. 549, 515, 156

cc: Cile Holloway
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